



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,869	06/21/2001	Hong Cai	JP92000142US1 (14657)	6085

7590

07/27/2005

Steven Fischman
Scully, Scott, Murphy & Presser
4000 Garden City Plaza
Garden City, NY 11530

EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,869

Applicant(s)

CAI ET AL.

Examiner

Joshua Joo

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2154

1. Claims 1-4 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt III, Patent #6,324,565 in view of Shimomura et al, Patent # 6,526,580 (Shimomura hereinafter) and Tock, US Publication #2004/0064570.

4. As per claim 1, Holt III teaches substantially the invention as claimed including an apparatus for providing generated documents to clients. Holt III's teachings comprise of:

network connecting unit for fetching data from backend servers and packaging the data into elements. (Col 6, lines 29-31. Data is retrieved from the content providing server.)

cache for caching the elements formed by said network connecting unit by packaging. (Col 5, lines 19-23. The data used in creating the document is cached or stored in the cache.)

controller, in response to a request for information service from a client, for fetching relevant elements from cache (Col 5, lines 11-20. Cache software determines if the document is located in the cache, then intermediate server receives document information.), and for the elements that cannot be fetched from the cache, instructing the network connecting unit to fetch corresponding data from backend servers (Col 5, lines 54-62. The system determines whether the data needed to make the documents are required from the cache and from the content

Art Unit: 2154

providing server. Col 6, lines 29-31. Data is retrieved from the content providing server.) and obtaining the elements formed by the network connecting unit by packaging, and finally packaging all the fetched elements into a document and sending it back to the client. (Col 6, lines 41-44. Once all the data has been gathered, a document is made. Col 6, lines 52-55. Once the document has been created, the document is transmitted to the client.)

5. Holt III teaches of generating HTML documents for clients by obtaining HTML elements from the cache and the backend server. However, Holt III does teach of generating XML documents from XML elements.

6. Shimomura's teaches of obtaining cached information to form XML documents (Col 11, lines 15-25).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Shimomura because the teachings of Shimomura to obtain cached information to form XML documents would improve the teachings of Holt II by reducing the traffic being send over the network. Since XML documents do not deal with the presentation, but just the content itself, sending XML documents would require less bandwidth.

8. Holt III teaches of client computer that requests information. However, Holt III does not teach that the client can be one of a plurality of types of devices.

9. Tock teaches of plurality of devices that can request information from a web server, where the plurality of devices may include a computer, PDA, and cellular phone (Paragraph 0085; Fig. 2B.)

Art Unit: 2154

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Tock because both teachings are related in that clients are requesting information from a web server. Furthermore, the teachings of Tock for the clients to be a plurality of types of devices would improve the teachings of Holt III by allowing clients to use different devices, such PDAs and cellular phones that have less bandwidth, to quickly receive dynamically generated documents.

11. As per claim 3, Holt III teaches substantially the invention as claimed including an apparatus for providing generated documents to clients. Holt III's teachings comprise of:

receiving a request for information service from a device (Col 4, lines 66-67. Server receives a document request from the client.);

fetching elements which are relevant to the request for information service from a local cache (Col 4, lines 24-28. Intermediate server has caching software and cache. Col 5, lines 11-20. Cache software determines if the document is located in the cache, then intermediate server receives document information.);

if no relevant elements are fetched from the local cache, fetching corresponding data from backend servers, packaging the data into elements in the local cache (Col 6, lines 26-34. If the data is not located on the intermediate server, data is received from the content providing server. Once the data is received, it is cached.);

packing all the fetched elements into a document and sending it back to the device (Col 6, lines 41-55. The data is used to create a document and send to the client.).

12. Holt III teaches of generating HTML documents for clients by obtaining HTML elements from the cache and the backend server. However, Holt III does teach of generating XML documents from XML elements.

13. Shimomura's teaches of obtaining cached information to form XML documents (Col 11, lines 15-25).

14. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Shimomura because the teachings of Shimomura to obtain cached information to form XML documents would improve the teachings of Holt II by reducing the traffic being send over the network. Since XML documents do not deal with the presentation, but just the content itself, sending XML documents would require less bandwidth.

15. Holt III teaches of client computer that requests information. However, Holt III does not teach the client can be one of a plurality of types of devices.

16. Tock teaches of plurality of devices that can request information to a web server, where the plurality of devices may include a computer, PDA, and cellular phone (Paragraph 0085; Fig. 2B.)

17. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Tock because both teachings are related in that clients are requesting information from a web server. Furthermore, the teachings of Tock for the clients to be a plurality of types of devices would improve the teachings of Holt III by allowing clients to use different devices, such PDAs and cellular phones that have less bandwidth, to quickly receive dynamically generated documents.

18. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt III, Shimomura, and Tock, in view of Chandra et al, Patent #6,457,047 (Chandra hereinafter).

19. As per claim 2 and 4, Holt III teaches of an invention where documents for clients are generated from data obtained from the cache and the backend server to reduce network traffic. However, Holt III does not teach of an indexing mechanism for creating indices for all the XML elements stored in the cache.

20. Chandra teaches of a centrally maintained table in the cache directory for determining if the query is cached (Col 5, lines 1-9).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Holt III and Chandra because the teachings of Chandra to maintain a table in the cache directory to determine if an item has been cached would improve the teachings of Holt II by minimizing the time in obtaining information from the cache, thus reducing the time it takes to service a client's request.

Conclusion

22. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i) Datta, US Patent #6,622,168, teaches of generating a web page by retrieving elements in a cache and in a separate server.
- ii) Melbin, US Patent #6,397,217, teaches of separately caching elements and using the cached elements and elements from a server to generate a web page. The elements may be XML.
- iii) Silvia et al, US Publication #2002/0054090, teaches of a plurality of devices requesting web content.

23. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

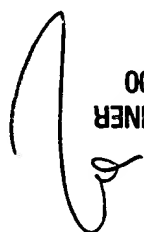
Art Unit: 2154

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 20, 2005
JJ

 **JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**

**JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**